

# THE PATENT OFFICE OF THE PEOPLE'S REPUBLIC OF CHINA

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|                         |  |   |
|-------------------------|--|---|
| Applicant:              | CANON KABUSHIKI KAISHA   | Date of Notification:<br>Date: <u>09</u> Month: <u>04</u> Year: <u>2004</u> |
| Attorney:               | FU JIANJUN   |   |
| Application No.:        | 01142485.0   |   |
| Title of the Invention: | PORTABLE TERMINAL AND HEALTH MANAGEMENT METHOD<br>AND SYSTEM USING PORTABLE TERMINAL |   |

## Notification of the First Office Action

1. ☒ The applicant requested examination as to substance and examination has been carried out on the above-identified patent application for invention under Article 35(1) of the Patent Law of the People's Republic of China(hereinafter referred to as "the Patent Law").  
☐ The Chinese Patent Office has decided to examine the application on its own initiative under Article 35(2) of the Patent Law.
2. ☒ The applicant claimed priority/priorities based on the application(s):  
filed in JP on Nov. 30, 2000, filed in JP on Nov. 30, 2000,  
filed in JP on Nov. 30, 2000, filed in JP on Nov. 30, 2000,  
filed in JP on Nov. 30, 2000, filed in \_\_\_\_\_ on \_\_\_\_\_,  
☒ The applicant has provided the priority documents certified by the Patent Office where the priority application(s) was/were filed.  
☐ The applicant has not provided the priority documents certified by the Patent Office where the priority application(s) was/were filed and therefore the priority claim(s) is/are deemed not to have been made under Article 30 of the Patent Law.  
☐ The application is a PCT continuation.
3. ☐ The applicant submitted amendments to the application on \_\_\_\_\_ and on \_\_\_\_\_, wherein the amended \_\_\_\_\_ submitted on \_\_\_\_\_ and the amended \_\_\_\_\_ submitted on \_\_\_\_\_ are not acceptable, because said amendments do not comply with ☐Article 33 of the Patent Law.  
☐Rule 51 of the Implementing Regulations of the Patent Law.  
The specific reasons why the amendments are not allowable are set forth in the text portion of this Notification.
4. ☒ Examination as to substance was directed to the initial application documents as filed.  
☐ Examination as to substance was directed to the documents as specified below:  
pages \_\_\_\_\_ of the description, claims \_\_\_\_\_ and pages \_\_\_\_\_ of the drawings submitted on \_\_\_\_\_,  
pages \_\_\_\_\_ of the description, claims \_\_\_\_\_ and pages \_\_\_\_\_ of the drawings submitted on \_\_\_\_\_,  
pages \_\_\_\_\_ of the description, claims \_\_\_\_\_ and pages \_\_\_\_\_ of the drawings submitted on \_\_\_\_\_,  
the abstract submitted on \_\_\_\_\_, and the figure for the abstract submitted on \_\_\_\_\_.
5. ☐ This Notification is issued without search reports.  
☐ This Notification is issued with consideration of the search results.  
☒ Below is/are the reference document(s) cited in this Office Action(the reference number(s) will be used throughout the examination procedure):

| No. | Number(s) or Title(s) of Reference(s) | Date of Publication<br>(or the filing date of conflicting application) |
|-----|---------------------------------------|--|
| 1   | JP2000-166881A                        | Date: <u>20</u> Month: <u>6</u> Year: <u>2000</u>                      |
| 2   | CN1192703A                            | Date: <u>9</u> Month: <u>9</u> Year: <u>1998</u>                       |
| 3   |                                       | Date: __ Month: __ Year: __  |
| 4   |                                       | Date: __ Month: __ Year: __  |
| 5   |                                       | Date: __ Month: __ Year: __  |

6. Conclusions of the Action:

- ☐ On the Specification:
- ☐ The subject matter contained in the application is not patentable under Article 5 of the Patent Law.
  - ☐ The description does not comply with Article 26 paragraph 3 of the Patent Law.
  - ☐ The draft of the description does not comply with Rule 18 of the Implementing Regulations.
- ☒ On the Claims:
- ☒ Claim(s) 35,36,81,82,98,99 is/are not patentable under Article 25 of the Patent Law.
  - ☐ Claim(s) \_\_\_\_\_ does/do not comply with the definition of inventions prescribed by Rule 2 paragraph 1 of the Implementing Regulations.
  - ☐ Claim(s) \_\_\_\_\_ does/do not possess the novelty as required by Article 22 paragraph 2 of the Patent Law.
  - ☒ Claim(s) 1-14 does/do not possess the inventiveness as required by Article 22 paragraph 3 of the Patent Law.
  - ☐ Claim(s) \_\_\_\_\_ does/do not possess the practical applicability as required by Article 22 paragraph 4 of the Patent Law.
  - ☐ Claim(s) \_\_\_\_\_ does/do not comply with Article 26 paragraph 4 of the Patent Law.
  - ☒ Claim(s) 1,8; 15,26,51,62,83,92; 71,76,81,82; 38,45 does/do not comply with Article 31 paragraph 1 of the Patent Law.
  - ☐ Claim(s) \_\_\_\_\_ does/do not comply with the provisions of Rules 20-23 of the Implementing Regulations.
  - ☐ Claim(s) \_\_\_\_\_ does/do not comply with Article 9 of the Patent Law.
  - ☐ Claim(s) \_\_\_\_\_ does/do not comply with the provisions of Rule 12 paragraph 1 of the Implementing Regulations.

7. In view of the conclusions set forth above, the Examiner is of the opinion that:

- ☐ The applicant should make amendments as directed in the text portion of the Notification.
- ☐ The applicant should expound in the response reasons why the application is patentable and make amendments to the application where there are deficiencies as pointed out in the text portion of the Notification, otherwise, the application will not be allowed.
- ☒ The application contains no allowable invention, and therefore, if the applicant fails to submit sufficient reasons to prove that the application does have merits, it will be rejected.
- ☐

8. The followings should be taken into consideration by the applicant in making the response:

- (1) Under Article 37 of the Patent Law, the applicant should respond to the office action within 4 months counting from the date of receipt of the Notification. If, without any justified reason, the time limit is not met, the application shall be deemed to have been withdrawn.
- (2) Any amendments to the application should be in conformity with the provisions of Article 33 of the Patent Law. Substitution pages should be in duplicate and the format of the substitution should be in conformity with the relevant provision contained in "The Examination Guidelines".
- (3) The response to the Notification and/or revision of the application should be mailed to or handed over to the "Reception Division" of the Patent Office, and documents not mailed or handed over to the Reception Divisions have no legal effect.
- (4) Without an appointment, the applicant and/or his agent shall not interview with the Examiner in the Patent Office.

9. This Notification contains a text portion of 3 pages and the following attachments:

- ☒ 2 cited reference(s), totaling 29 pages. ☐

Examination Dept. 9 Examiner: Yang Yanli Seal of the Examination Department

## **Text Portion of the First Office Action**

Application No. 011424850

1. Claims 36, 81 and 98 respectively seek to protect a computer program, which belongs to rules and methods for mental activities; claims 37, 82 and 99 respectively seek to protect a storage medium, however, the physical property of the storage medium per se does not change, and the subject matter of these claims is substantively the computer program per se recorded in the medium, which belongs to rules and methods for mental activities. Therefore, the technical solutions of claims 35, 36, 81, 82, 98 and 99 belong to the contents as set forth in Article 25, paragraph 2 of the Chinese Patent Law and cannot be granted.

2. The first group of independent claims 1 and 8, the second group of independent claims 15, 26, 51, 62, 83 and 92, the third group of independent claims 71, 76, 81 and 82, and the fourth independent claims 38 and 45 have no identical or corresponding specific technical features therebetween. The specific technical features of the first group claims for the technical problem to be solved (a health management system and method for quickly processing the emergency, refer to page 4, lines 5-7 of the specification, also refer to lines 16-18 of page 7 of the English specification) relate to the transmission of the specific signal by

the portable terminal for activation of the communication or storage of the medical facility in the database; the specific technical features of the second group of the claims for the technical problem to be solved (accurately managing medicines in accordance with prescriptions and performing discharging, thereby efficiently administering medicines for user and improving the inhalation efficiency, refer to page 4, lines 10, 14-15 of the specification, and refer to page 7, lines 22-25 and page 8, lines 6-7 of the English specification) relate to the inhaler for discharging under control in the form of fine droplets; the specific technical features of the third group of claims for the technical problem to be solved (determining proper and efficient prescription applied to each patient and a medicine to be administered, refer to page 4, lines 16-18 of the specification, also refer to page 8, lines 11-13 of the English specification) relate to providing a prescription suitable for the user and the steps of taking medicine using the information communication of the memory card and the medical facility; the specific technical features of the fourth group of the claims for the technical problem to be solved (performing efficient medical practices by sharing information while protection personal data associated with privacy, refer to page 4, lines 11-13 of the specification, also refer to page 8, lines 1-3 of the English specification) relate to the database for managing information of user and each medical facility and setting an access right. Said features do not belong to a

general single inventive concept, and thus not possess unity as set forth in Article 31, paragraph 1 of the Chinese Patent Law as one application to be submitted.

The following comments are based on the examination to the first group of claims 1-14:

3. Claim 1 seeks to protect a health management system. Reference 1-JP2000166881A discloses a private medical management system for managing personal health and informing the abnormal information associated with health, comprising: an individual user system 1 (equal to "portable terminal") comprising a means 12 for detecting body, a mobile communication means 31, a display 63; a central system 2 (equal to "database"), comprising a booking database 23, a personal diagnosis information database 25, a graphic information database 26 and a medical control means 22 (equal to "medical information storage means"), a radio communication means 21, a contact communication means 27, the individual user system 1 transmits the detected data to the central system 2, the central system 2 identifies whether said data belong to the booking, thereafter determining the abnormality of data; if it is abnormal, informing the corresponding medical facility for communication and storage, if emergency occurs, the contact communication means 27 communicates with the contact communicators 51 and 52 via the public network 5 for

informing emergency security (see the abstract, lines 22-49 of column 5, lines 30-41 of column 6, from line 6 of column 10 to line 5 of column 13, and figures 1, 6, 14-19). Claim 1 is different from Reference 1 in that: a portable terminal includes storage means storing personal information of the user, and an input/output device; a database including personal information storage means storing the personal information, and identification means for identifying the user of said portable terminal by collating the part of the information transmitted from said radio communication means with information stored in said personal information storage means. The first difference features are common knowledge in the prior art. As for the second difference features, to safely, accurately and efficiently achieve the management of a plurality of users, the features are obvious for those skilled in the art and are common collating identification means in the art, and the features can not bring out unpredictable technical effect. Therefore, claim 1 possesses no prominent substantial features and presents no notable progress over Reference 1, therefore has no inventiveness as set forth in Article 22, paragraph 3 of the Chinese Patent Law.

4. The additional technical features of claims 2, 3 and 6 are respectively common technical means for managing personal information, common technical means implemented for safe communication, and common

communication technical means, therefore, when the referred claim 1 has no inventiveness over Reference 1, claims 2, 3 and 6 have no inventiveness as set forth in Article 22, paragraph 3 of the Chinese Patent Law over Reference 1.

5. As for the additional technical features of claim 4, Reference 1 does not clearly disclose them, however, Reference 1 discloses system 2 includes a graphic information database 26, efficiently rescuing person in time in emergency based on the stored location information such as medical institution (see lines 7-20 of column 5, and lines 25-29 of column 6 of the specification, and figure 5). It is obvious for those skilled in the field to obtain the additional technical features of claim 4. The terminal is defined to include location information acquisition means enables the emergency handling means to obtain the path information more accurately and quickly, which is also a technical means to determine path by the information of destinations of two ends and belongs to common technical means, therefore, when the referred claim 1 has no inventiveness over Reference 1, claim 4 has no inventiveness as set forth in Article 22, paragraph 3 of the Chinese Patent Law over Reference 1.

6. The additional technical features of claim 5 define said input/output device is an inhaler for discharging a medicine in the form of fine droplets

to make the user inhale the droplets, and the information about said input/output device includes information about handling of said inhaler. Reference 2 (CN1192703A) discloses an inhaler which makes the medicine in the form of liquid droplets or inhalator and mix it with air by electrical field generation part, and operates the program to make the medicine suitable for the particular precondition of each patient based on the breath property of the patient (see the last line of page 1 to line 14 of page 2 of the specification). Reference 2 discloses the additional technical features of claim 5, and the function and effect to be obtained in Reference 2 are the same in claim 5, namely, accurately managing medicine for controlling the discharge suitable for each user so as to efficiently take medicine. Therefore, when the referred claim 1 has no inventiveness over Reference 1, claim 5 has no inventiveness as set forth in Article 22, paragraph 3 of the Chinese Patent Law over Reference 1.

7. Claim 7 includes the additional technical features of "part of the information includes information about biometrical characteristics of the user". Reference 1 discloses a database 24 of detecting body information stores information about biometrical characteristics such as body temperature and blood pressure (see lines 20-24 of column 6 of the specification, and figure 4), that is, Reference 2 discloses said additional technical features of claim 7. Therefore, when the referred claim 1 has no

inventiveness over Reference 1, claim 7 has no inventiveness as set forth in Article 22, paragraph 3 of the Chinese Patent Law over Reference 1.



8. Claim 8 seeks to protect a health management method, claims 9-14 are dependent claims thereof, which are method claims in accordance with claims 1-7, therefore, the comments for claims 9-14 are similar to the comments for claims 1-7, that is, claims 8-11 and 13-14 has no inventiveness as set forth in Article 22, paragraph 3 of the Chinese Patent Law over Reference 1, and claim 12 has no inventiveness as set forth in Article 22, paragraph 3 of the Chinese Patent Law over Reference 2.

Due to the reasons above, the technical solutions sought to be protected by claims 35, 36, 81, 82, 98 and 99 belong to contents that cannot be granted as set forth in Article 25, paragraph 2 of the Chinese Patent Law. The first group of independent claims 1 and 8, the second group of independent claims 15, 26, 51, 62, 83 and 92, the third group of independent claims 71, 76, 81 and 82 and the fourth independent claims 38 and 45 do not possess unity as set forth in Article 31, paragraph 1 of the Chinese Patent Law. And the first group of claims 1-14 have no inventiveness, and the specification does not include any contents that can be granted associated with claims 1-14. Therefore, within specified time

limit, if the applicant cannot provide sufficient reasons that claims 1-14 have inventiveness, or submit the claims have unity and inventiveness, the present application shall be rejected. (The applicant is reminded that References JP2000166881A, CN1192703A, WO99/63886A1 and JP10-21301A effect the inventiveness of claims 15-35, 38-80 and 83-97.)

Examiner: Yang Yanli

# 中华人民共和国国家知识产权局

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|--|---|---|
| 邮政编码: 100037<br>北京市阜成门外大街2号万通新世界广场8层<br>中国国际贸易促进委员会专利商标事务所<br>李强 |   | 发文日期<br> |
| 5012709<br>申请号: 011424850  |  |   |
| 申请人: 佳能株式会社  |   |   |
| 发明创造名称: 便携终端、健康管理方法和使用便携终端的系统                                    |   |   |

## 第一次审查意见通知书

- ☒ 应申请人提出的实审请求, 根据专利法第 35 条第 1 款的规定, 国家知识产权局对上述发明专利申请进行实质审查。  
☐ 根据专利法第 35 条第 2 款的规定, 国家知识产权局决定自行对上述发明专利申请进行审查。
- ☒ 申请人要求以其在:
 

|    |         |                        |
|----|---------|------------------------|
| JP | 专利局的申请日 | 2000 年 11 月 30 日为优先权日, |
| JP | 专利局的申请日 | 2000 年 11 月 30 日为优先权日, |
| JP | 专利局的申请日 | 2000 年 11 月 30 日为优先权日, |
| JP | 专利局的申请日 | 2000 年 11 月 30 日为优先权日, |
| JP | 专利局的申请日 | 2000 年 11 月 30 日为优先权日。 |

☒ 申请人已经提交了经原申请国受理机关证明的第一次提出的在先申请文件的副本。  
☐ 申请人尚未提交经原申请国受理机关证明的第一次提出的在先申请文件的副本, 根据专利法第 30 条的规定视为未提出优先权要求。
- ☐ 经审查, 申请人于:
 

|          |                   |
|----------|-------------------|
| 年 月 日提交的 | 不符合实施细则第 51 条的规定; |
| 年 月 日提交的 | 不符合专利法第 33 条的规定;  |
| 年 月 日提交的 |                   |
- 审查针对的申请文件:
 

|   |               |                                       |    |
|---|---------------|---------------------------------------|----|
| <input checked="" type="checkbox"/> 原始申请文件。 |               | <input type="checkbox"/> 审查是针对下述申请文件的 |    |
| 申请日提交的原始申请文件的权利要求第                          | 项、说明书第        | 页、附图第                                 | 页; |
| 年 月 日提交的权利要求第                               | 项、说明书第        | 页、附图第                                 | 页; |
| 年 月 日提交的权利要求第                               | 项、说明书第        | 页、附图第                                 | 页; |
| 年 月 日提交的说明书摘要,                              | 年 月 日提交的摘要附图。 |                                       |    |
- ☐ 本通知书是在未进行检索的情况下作出的。  
☒ 本通知书是在进行了检索的情况下作出的。  
☒ 本通知书引用下述对比文献(其编号在今后的审查过程中继续沿用):
 

|    |                |                  |
|----|----------------|------------------|
| 编号 | 文件号或名称         | 公开日期 (或抵触申请的申请日) |
| 1  | JP2000-166881A | 2000-06-20       |
| 2  | CN1192703A     | 1998-09-09       |

6. 审查的结论性意见:

☐关于说明书:

☐申请的内容属于专利法第 5 条规定的不授予专利权的范围。

☐说明书不符合专利法第 26 条第 3 款的规定。

☐说明书不符合专利法第 33 条的规定。

☐说明书的撰写不符合实施细则第 18 条的规定。

☐

☒关于权利要求书:

☐权利要求 不具备专利法第 22 条第 2 款规定的新颖性。

☒权利要求 1-14 不具备专利法第 22 条第 3 款规定的创造性。

☐权利要求 不具备专利法第 22 条第 4 款规定的实用性。

☒权利要求 35、36、81、82、98、99 属于专利法第 25 条规定的不授予专利权的范围。

☐权利要求 不符合专利法第 26 条第 4 款的规定。

☒权利要求 1、8 与 15、26、51、62、83、92 与 71、76、81、82 与 38、45 相互之间不符合专利法第 31 条第 1 款的规定。

☐权利要求 不符合专利法第 33 条的规定。

☐权利要求 不符合专利法实施细则第 2 条第 1 款关于发明的定义。

☐权利要求 不符合专利法实施细则第 13 条第 1 款的规定。

☐权利要求 不符合专利法实施细则第 20 条的规定。

☐权利要求 不符合专利法实施细则第 21 条的规定。

☐权利要求 不符合专利法实施细则第 22 条的规定。

☐权利要求 不符合专利法实施细则第 23 条的规定。

☐

上述结论性意见的具体分析见本通知书的正文部分。

7. 基于上述结论性意见, 审查员认为:

☐申请人应按照通知书正文部分提出的要求, 对申请文件进行修改。

☐申请人应在意见陈述书中论述其专利申请可以被授予专利权的理由, 并对通知书正文部分中指出的不符合规定之处进行修改, 否则将不能授予专利权。

☒专利申请中没有可以被授予专利权的实质性内容, 如果申请人没有陈述理由或者陈述理由不充分, 其申请将被驳回。

☐

8. 申请人应注意下述事项:

(1) 根据专利法第 37 条的规定, 申请人应在收到本通知书之日起的肆个月内陈述意见, 如果申请人无正当理由逾期不答复, 其申请将被视为撤回。

(2) 申请人对其申请的修改应符合专利法第 33 条的规定, 修改文本应一式两份, 其格式应符合审查指南的有关规定。

(3) 申请人的意见陈述书和/或修改文本应邮寄或递交国家知识产权局专利局受理处, 凡未邮寄或递交给受理处的文件不具备法律效力。

(4) 未经预约, 申请人和/或代理人不得前来国家知识产权局专利局与审查员举行会晤。

9. 本通知书正文部分共有 3 页, 并附有下列附件:

☒引用的对比文件的复印件共 2 份 29 页。 ☐

审查员: 杨艳丽 (9337)

2004 年 3 月 26 日



审查部门 审查协作中心

21301  
2002.8



回函请寄: 100088 北京市海淀区蓟门桥西土城路 6 号 国家知识产权局专利局受理处收  
(注: 凡寄给审查员个人的信函不具有法律效力)

## 第一次审查意见通知书正文

申请号：011424850

1. 权利要求36、81、98各请求保护一种计算机程序，属于智力活动的规则和方法；权利要求37、82、99各请求保护一种存储介质，但其存储介质本身物理特性没有任何变化，其主题的实质是记录在介质上的计算机程序本身，属于智力活动的规则和方法。所以，上述权利要求35、36、81、82、98、99的技术方案属于专利法第25条第（二）项规定的不授予专利权的内容，不能授予专利权。

2. 第一组独立权利要求1、8，第二组独立权利要求15、26、51、62、83、92，第三组独立权利要求71、76、81、82，以及第四组独立权利要求38、45相互间没有相同或相应的特定技术特征：第一组相对要解决的技术问题（能够适当且迅速地处理紧急情况的健康管理系统和方法，见说明书第4页第5-7行）的特定技术特征是涉及便携终端发送特定信号激活与数据库中存储的医疗设施的通信或存储；第二组相对要解决的技术问题（能够根据处方准确管理药物和排放，使用户有效服用药物，改善吸入效率，见说明书第4页第8-10、14-15行）的特定技术特征是涉及吸入器以细小滴的形式受控排放的特征；第三组相对要解决的技术问题（为每一个患者确定适当有效的处方和需要服用的药物，见说明书第4页第16-18行）的特定技术特征是涉及利用存储卡与医疗设施的信息交换提供适合用户的处方和要服药物步骤；第四组相对要解决的技术问题（在保护个人隐私的同时共享信息而进行有效的治疗，见说明书第4页第11-13行）的特定技术特征是涉及数据库管理用户和各医疗设施的信息并设定访问权的特征，不属于一个总的发明构思的几项发明，作为一件申请提出不符合专利法第31条第1款有关单一性的规定。

下面仅对第一组权利要求1-14进行审查，评述如下：

3. 权利要求1请求保护一种健康管理系统，对比文件1-JP2000166881A公开了一种私人医疗管理系统，管理个人健康，通知关于健康的非正常信息，包括：一个个体的用户系统1（相当于“便携终端”），其包含检测身体装置12、移动通信装置31、显示器63；一个中心系统2（相当于“数据库”），包含预约数据库23、个人诊断信息数据库25、地图信息数据库26和医疗控制装置22（相当于“医疗信息存储装置”）、无线通信装置21、联络通信装置27，个体用户系统1将检测的数据发送给中心系统2，中心系统2进行识别是否属于预约，而后进行数据异常的判定，若异常，则通知相应医疗机构使其通信并存储，若出现紧急状态，则由联络通信装置27通过公网5与联络通信器51、52通信通知紧急救援（见其摘要、说明书第5栏第22-49行、第6栏第30-41行、第10栏第6行-第13栏第5行及附图1、

存储装置以及输入/输出设备；数据库包括用于存储用户个人信息的个人信息存储装置，以及识别装置，用于通过把从无线通信装置发送的信息与个人信息存储装置中的信息对比而识别所述便携终端用户。第一个区别特征是本领域的公知常识，而对于后一个区别，为了安全、准确以及更有效的实现多个用户的管理，本领域技术人员很容易想到，其是本领域惯用的对比识别手段，且也没有产生预料不到的技术效果，所以权利要求1相对于对比文件1不具有突出的实质性特点和显著的进步，不符合专利法第22条第3款有关创造性的规定。

4. 权利要求2、3、6的附加技术特征分别是管理个人信息的惯用技术手段、为了通信安全而实施的惯用技术手段、惯用通信技术手段，所以，当其引用的权利要求1相对于对比文件1不具有创造性时，权利要求2、3、6相对于对比文件1也不具有专利法第22条第3款规定的创造性。

5. 对于权利要求4的附加技术特征，对比文件1没有明确公开，但对比文件1公开了系统2包括地图信息数据库26，在紧急状态时根据其存储的医疗结构等的位置信息使个人得到有效、及时的救援（见其说明书第5栏第7-20行、第6栏第25-29行及附图5）。不可与技术人员由这些内容得到权利要求4的附加技术特征很容易，限定终端包括位置信息获取装置是为了紧急情况处理装置能够更精确、快捷的得出路径信息，这也是用两端目的地的信息确定路径，属于惯用技术手段，所以，当其引用的权利要求1相对于对比文件1不具有创造性时，权利要求4相对于对比文件1也不具有专利法第22条第3款规定的创造性。

6. 权利要求5的附加技术特征限定输入/输出设备是以细小滴的形式排放药物的吸入器，有关输入/输出设备的信息包括有关吸入器的处理信息，对比文件2-CN1192703A公开了一种吸入器装置，其通过电场发生部件使药物呈小液滴或气雾状与空气混合，且其可以进行程序操作，根据病人的呼吸特性等使其正好适用于每个病人的特殊先决条件（见其说明书第1页最后一行-第2页第14行），相当于公开了权利要求5的附加技术特征，且其在对比文件2中所起的作用及达到的效果与其在权利要求5中的相同，都是准确管理药物进行适合各个用户的排放控制，从而有效服用药物，所以，当其引用的权利要求1相对于对比文件1不具有创造性时，权利要求5相对于对比文件1和2也不具有专利法第22条第3款规定的创造性。

7. 权利要求7的附加技术特征是“信息包括有关用户的生物特性的信息”，对比文件1公开了检测身体情报数据库24存储了体温、血压等生物特性信息（见其说明书第6栏第20-24行及附图4），即公开了上述特征，所以，所以，当其引用的权利要求1相对于对比文件1不具有创造性时，权利要求7相对于对比文件1也不具有专利法第22条第3款规定的创造

性。

8. 权利要求8请求保护一种健康管理方法，权利要求9-14是其从属权利要求，它们分别是对应权利要求1-7的方法权利要求，所以，对它们的评述理由与对权利要求1-7的评述理由相似，不再赘述，即权利要求8-11、13-14相对于对比文件1、权利要求12相对于对比文件2不具有专利法第22条第3款规定的创造性。

基于上述理由，权利要求35、36、81、82、98、99的技术方案属于专利法第25条第（二）项规定的不授予专利权的内容，第一组独立权利要求1、8，第二组独立权利要求15、26、51、62、83、92，第三组独立权利要求71、76、81、82，以及第四组独立权利要求38、45不符合专利法第31条第1款有关单一性的规定，对第一组权利要求1-14进行审查，其均不具有创造性，且说明书中相对于这些权利要求也没有可以授予专利权的相关内容，因此，申请人在规定期限内如果不能提出权利要求1-14具有创造性的充分理由或者提交具有单一性的符合创造性规定的权利要求，申请将以上述理由予以驳回。（请申请人注意对比文件JP2000166881A、CN1192703A、W099/63886A1、JP10-21301A对权利要求15-35、38-80、83-97的创造性影响）

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